

Article - Education

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§9.5–411.

(a) Subject to the hearing requirements of this section, the Department may deny a license or letter of compliance to any applicant or deny approval for a change under § 9.5–408 of this subtitle if the applicant or proposed change does not meet the requirements of this subtitle.

(b) Subject to the hearing requirements of this section and § 9.5–415 of this subtitle, the State Superintendent may suspend or revoke a license or letter of compliance if the licensee:

(1) Violates a provision of this subtitle or any rule or regulation adopted under it; or

(2) Does not meet the current requirements for a new license or letter of compliance.

(c) (1) Except as otherwise provided in subsection (d) of this section, before any action is taken under this section, the State Superintendent shall give the individual against whom the action is contemplated an opportunity for a public hearing before the State Superintendent.

(2) The hearing notice to be given to the individual shall be sent at least 10 days before the hearing.

(3) The individual may be represented at the hearing by counsel.

(d) (1) (i) The State Superintendent may suspend the license or letter of compliance to operate a child care center on an emergency basis when the State Superintendent determines that this action is required to protect the health, safety, or welfare of a child in the child care center.

(ii) When the State Superintendent suspends a license or letter of compliance on an emergency basis, the State Superintendent shall deliver written notice of the suspension to the licensee stating the regulatory basis for the suspension.

(2) (i) Upon delivery of the emergency suspension notice, the licensee or letter holder shall cease immediately operation of the child care center.

(ii) The licensee or letter holder may request a hearing before the State Superintendent.

(3) (i) If a hearing is requested by the licensee or letter holder, the State Superintendent shall hold a hearing within 7 calendar days of the request for a hearing. The hearing shall be held in accordance with the Administrative Procedure Act.

(ii) Within 7 calendar days of the hearing a decision concerning the emergency suspension shall be made by the State Superintendent.

(4) If the emergency suspension order is upheld by the State Superintendent, the licensee or letter holder shall continue to cease operations until it is determined that the health, safety, or welfare of a child in the child care center is no longer threatened.

(5) Any person aggrieved by a decision of the State Superintendent to uphold an emergency suspension may appeal that decision directly to the circuit court in the county in which the child care center is located.

(e) The State Superintendent may petition the circuit court in the county in which the child care center is located to enjoin the activities and operations of a person who operates a child care center without a license or letter of compliance as required by this subtitle, including when a license or letter of compliance has been denied, revoked, or suspended in accordance with this subtitle.

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